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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/669,656	09/25/2003	Yuichi Futa	2003-1372A	4351
513 7590 08/18/2009 WENDEROTH, LIND & PONACK, L.L.P. 1030 15th Street, N.W., Suite 400 East Washington, DC 20005-1503				
EXAMINER				
BURGEISS, BARBARA N				
ART UNIT		PAPER NUMBER		
2457				
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08/18/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/669,656

**Applicant(s)**

FUTA ET AL.

**Examiner**

BARBARA N. BURGESS

**Art Unit**

2457

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 April 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 22, 23, 26 and 31-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 22, 23, 26 and 31-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF-08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This Office Action is in response to Amendment filed April 22, 2009. Claims 1-21, 24-25, 27-30. Claims 22-23, 26 are presented for further examination. Claims 31-38 are newly added and presented for initial examination.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 22-23, 26, 31-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tatebayashi et al. (hereinafter "Tate", US Patent Publication 2008/0263367 A1) in view of Mathis (US Patent Publication 2001/0037438 A1).

As per claim 22, Tate discloses a group judgment device that is connected to a network and that shares common private information with a target device connected to the group judgment device via the network, comprising:

a conversion unit operable to convert the common private information into first conversion information according to a predetermined conversion (paragraphs [0025, 0027]);

a transmission/reception unit operable to transmit first data to the target device, and receive, from the target device, second data including second conversion information in response to the first data, the target device converting the common private information into the second conversion information according to the same conversion as the predetermined conversion, and transmitting to the group judgment device the second data including the second conversion information (paragraphs [0008, 0029]);

a judgment unit operable to

(i) (ii) compare the first conversion information generated by the conversion unit and the second conversion information included in the second data received by the transmission/reception unit, and judge that the target device belongs to the predetermined group when (ii) the first conversion information matches the second conversion information (paragraphs [0009, 0011, 0107]).

Tate does not explicitly disclose:

a measurement unit operable to measure, as a target time, a time required between (a) transmission of the first data by the transmission/reception unit and (b) reception of the second data by the transmission/reception unit; and

compare the target time measured by the measurement unit with reference time, the reference time being a time required between (a) transmission of the first data to a device belonging to a predetermined group and (b) reception of the second data from the device belonging to the predetermined group;

judge that the target device belongs to the predetermined group when (i) a difference between the target time and the reference time is within a predetermined range.

However, in an analogous art, Mathis teaches a remote monitor unit comparing signatures received from an ATM machine, a vending machine, a computer, or special purpose computer with that stored in the remote monitor unit to determine whether to allow programming or access. The remote monitor unit also compares time for validity check stored in the remote monitor unit to determine unauthorized access. If the date and time do not compare to the stored predetermined time and date, the program is interrupted (paragraphs [0064-0065, 0067]).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Mathis's measurement unit and judging unit in Tate's system providing means to restrict programming of program memory devices to authorized personnel while preventing unauthorized programming of a device.

As per claim 23, Tate discloses a group judgment device that is connected to a network and that shares common private information with a target device connected to the group judgment device via the network, comprising:

a conversion unit operable to convert the common private information into first conversion to information according to a first conversion, and to convert the common private information into second conversion information according to a second

conversion, the first conversion being distinct from the second conversion (paragraphs [0025, 0027]);

a transmission/reception unit operable to transmit first data including the first conversion information to the target device, and receive, from the target device, second data including third conversion information in response to the first data, the target device converting the common private information into the third conversion information according to the second conversion, and transmitting to the group judgment device the second data including the third conversion information (paragraphs [0008, 0029]);

a judgment unit operable to

(ii) compare the second conversion information generated by the conversion unit and the third conversion information included in the second data received by the transmission/reception unit, and (iii) judge whether a message is received from the target device, the message indicating that the target device judges that the first conversion information matches fourth conversion information, the target device converting the common private information into the fourth conversion information according to the first conversion and comparing the first conversion information included in the received first data the fourth conversion information, (iv) and judge that the target device belongs to the predetermined group when (ii) the second conversion information matches the third conversion information, and (iii) the message is received (paragraphs [0009, 0011, 0107]).

Tate does not explicitly disclose:

a measurement unit operable to measure, as a target, a time required between (a) transmission of the first data by the transmission/reception unit and (b) reception of the second data by the transmission/reception unit;

(i) compare the target time measured by the measurement unit with a reference time, the reference time being a time required between (a) transmission of the first data to a device belonging to a predetermined group and (b) reception of the second data from the device belonging to the predetermined group;

, (iv) and judge that the target device belongs to the predetermined group when (i) a difference between the target time and the reference time is within a predetermined range.

However, in an analogous art, Mathis teaches a remote monitor unit comparing signatures received from an ATM machine, a vending machine, a computer, or special purpose computer with that stored in the remote monitor unit to determine whether to allow programming or access. The remote monitor unit also compares time for validity check stored in the remote monitor unit to determine unauthorized access. If the date and time do not compare to the stored predetermined time and date, the program is interrupted (paragraphs [0064-0065, 0067]).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Mathis's measurement unit and judging unit in Tate's system providing means to restrict programming of program

memory devices to authorized personnel while preventing unauthorized programming of a device.

As per claim 26, Tate discloses a group judgment system including a target device and a group judgment device that are connected to a network, the target device and the group judgment device sharing common private information, wherein the group judgment device includes:

a first conversion unit operable to convert the common private information into first conversion information according to a predetermined conversion (paragraphs [0025, 0027]);

a transmission/reception unit operable to transmit first data to the target device (paragraphs [0008, 0029]);

wherein the target device includes:

a reception unit operable to receive first data with a predetermined format from the group judgment device (paragraphs [0008, 0029]));

a second conversion unit operable to convert the common private information into second conversion information according to the predetermined conversion (paragraphs [0011, 0019])); and



a transmission unit operable to transmit to the group judgment device second data including the second conversion information (paragraphs [0011, 0013]); and

wherein the group judgment device includes:

a transmission/reception unit operable to receive from the target device the second data including the second conversion information (paragraphs [0011, 0013]);

a judgment unit operable to

(ii) compare the first conversion information generated by the first conversion unit and the second conversion information included in the second data received by the transmission/reception unit, and judge that the target device belongs to the predetermined group when (ii) the first conversion information matches the second conversion information (paragraphs [0009, 0011, 0107]).

Tate does not explicitly disclose:

a measurement unit operable to measure, as a target time, a time required between (a) transmission of the first data by the transmission/reception unit and (b) reception of the second data by the transmission/reception unit;

(i) compare the target time measured by the measurement unit with a reference time, the reference time being a time required between (a) transmission of the first data to a device belonging to a predetermined group and (b) reception of the second data from the device belonging to the predetermined group;

and judge that the target device belongs to the predetermined group when (i) a difference between the target time and the reference time is within a predetermined range.

However, in an analogous art, Mathis teaches a remote monitor unit comparing signatures received from an ATM machine, a vending machine, a computer, or special purpose computer with that stored in the remote monitor unit to determine whether to allow programming or access. The remote monitor unit also compares time for validity check stored in the remote monitor unit to determine unauthorized access. If the date and time do not compare to the stored predetermined time and date, the program is interrupted (paragraphs [0064-0065, 0067]).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Mathis's measurement unit and judging unit in Tate's system providing means to restrict programming of program memory devices to authorized personnel while preventing unauthorized programming of a device.

As per claim 31, Tate does not explicitly disclose the group judgment device according to claim 22, wherein the judgment unit is operable to judge that the target device does not belong to the predetermined group when (i) the difference between the target time and the reference time is not within the predetermined range.

However, in an analogous art, Mathis teaches a remote monitor unit comparing signatures received from an ATM machine, a vending machine, a computer, or special purpose computer with that stored in the remote monitor unit to determine whether to allow programming or access. The remote monitor unit also compares time for validity check stored in the remote monitor unit to determine unauthorized access. If the date and time do not compare to the stored predetermined time and date, the program is interrupted (paragraphs [0064-0065, 0067]).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Mathis's measurement unit and judging unit in Tate's system providing means to restrict programming of program memory devices to authorized personnel while preventing unauthorized programming of a device.

As per claim 32, Tate does not explicitly disclose the group judgment device according to claim 31, wherein the judgment unit is operable to judge that the target device does not belong to the predetermined group when (i) the difference between the target time and the reference time is within the predetermined range.

However, in an analogous art, Mathis teaches a remote monitor unit comparing signatures received from an ATM machine, a vending machine, a computer, or special purpose computer with that stored in the remote monitor unit to determine whether to allow programming or access. The remote monitor unit also compares time for validity

check stored in the remote monitor unit to determine unauthorized access. If the date and time do not compare to the stored predetermined time and date, the program is interrupted (paragraphs [0064-0065, 0067]).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Mathis's measurement unit and judging unit in Tate's system providing means to restrict programming of program memory devices to authorized personnel while preventing unauthorized programming of a device.

As per claim 33, Tate does not explicitly disclose the group judgment device according to claim 23, wherein the judgment unit is operable to judge that the target device does not belong to the predetermined group when the difference between the target time and the reference time is not within the predetermined range.

However, in an analogous art, Mathis teaches a remote monitor unit comparing signatures received from an ATM machine, a vending machine, a computer, or special purpose computer with that stored in the remote monitor unit to determine whether to allow programming or access. The remote monitor unit also compares time for validity check stored in the remote monitor unit to determine unauthorized access. If the date and time do not compare to the stored predetermined time and date, the program is interrupted (paragraphs [0064-0065, 0067]).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Mathis's measurement unit and judging unit in Tate's system providing means to restrict programming of program memory devices to authorized personnel while preventing unauthorized programming of a device.

As per claim 34, Tate does not explicitly disclose the group judgment device according to claim 33, wherein the judgment unit is operable to judge that the target device does not belong to the predetermined group when (i) the difference between the target time and the reference time is within the predetermined range.

However, in an analogous art, Mathis teaches a remote monitor unit comparing signatures received from an ATM machine, a vending machine, a computer, or special purpose computer with that stored in the remote monitor unit to determine whether to allow programming or access. The remote monitor unit also compares time for validity check stored in the remote monitor unit to determine unauthorized access. If the date and time do not compare to the stored predetermined time and date, the program is interrupted (paragraphs [0064-0065, 0067]).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Mathis's measurement unit and judging unit in Tate's system providing means to restrict programming of program

memory devices to authorized personnel while preventing unauthorized programming of a device.

As per claim 35, Tate does not explicitly disclose the group judgment device according to claim 34, wherein the judgment unit is operable to judge that the target device does not belong to the predetermined group when (i) the difference between the target time and the reference time is within the predetermined range.

However, in an analogous art, Mathis teaches a remote monitor unit comparing signatures received from an ATM machine, a vending machine, a computer, or special purpose computer with that stored in the remote monitor unit to determine whether to allow programming or access. The remote monitor unit also compares time for validity check stored in the remote monitor unit to determine unauthorized access. If the date and time do not compare to the stored predetermined time and date, the program is interrupted (paragraphs [0064-0065, 0067]).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Mathis's measurement unit and judging unit in Tate's system providing means to restrict programming of program memory devices to authorized personnel while preventing unauthorized programming of a device.

As per claim 36, Tate does not explicitly disclose the group judgment system according to claim 26, wherein the judgment unit is operable to judge that the target device does not belong to the predetermined group when (i) the difference between the target time and the reference time is not within the predetermined range.

However, in an analogous art, Mathis teaches a remote monitor unit comparing signatures received from an ATM machine, a vending machine, a computer, or special purpose computer with that stored in the remote monitor unit to determine whether to allow programming or access. The remote monitor unit also compares time for validity check stored in the remote monitor unit to determine unauthorized access. If the date and time do not compare to the stored predetermined time and date, the program is interrupted (paragraphs [0064-0065, 0067]).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Mathis's measurement unit and judging unit in Tate's system providing means to restrict programming of program memory devices to authorized personnel while preventing unauthorized programming of a device.

As per claim 37, Tate does not explicitly disclose the group judgment system according to claim 36, wherein the judgment unit is operable to judge that the target device does not belong to the predetermined group when (i) the difference between the target time and the reference time is within the predetermined range.

However, in an analogous art, Mathis teaches a remote monitor unit comparing signatures received from an ATM machine, a vending machine, a computer, or special purpose computer with that stored in the remote monitor unit to determine whether to allow programming or access. The remote monitor unit also compares time for validity check stored in the remote monitor unit to determine unauthorized access. If the date and time do not compare to the stored predetermined time and date, the program is interrupted (paragraphs [0064-0065, 0067]).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Mathis's measurement unit and judging unit in Tate's system providing means to restrict programming of program memory devices to authorized personnel while preventing unauthorized programming of a device.

As per claim 38, Tate discloses a method for controlling a group judgment device, the group judgment device being connected to a network and sharing common private information with a target device connected to the group judgment device via the network, the method comprising:

converting the common private information into first conversion information according to a predetermined conversion ();

transmitting first data to the target device, and receive, from the target device, second data including second conversion information in response to the first data, the target



device converting the common private information into the second conversion information according to the same conversion as the predetermined conversion, and transmitting to the group judgment device the second data including the second conversion information ();

comparing the generated first conversion information and the second conversion information included in the received second data; and

judging that the target device belongs to the predetermined group when (ii) the first conversion information matches the second conversion information.

Tate does not explicitly disclose:

a measurement unit operable to measure, as a target time, a time required between (a) transmission of the first data by the transmission/reception unit and (b) reception of the second data by the transmission/reception unit;

comparing the target time measured by the measurement unit with a reference time, the reference time being a time required between (a) transmission of the first data to a device belonging to a predetermined group and (b) reception of the second data from the device belonging to the predetermined group;

(i) compare the target time measured by the measurement unit with a reference time, the reference time being a time required between (a) transmission of the first data to a device belonging to a predetermined group and (b) reception of the second data from the device belonging to the predetermined group;

and judge that the target device belongs to the predetermined group when (i) a difference between the target time and the reference time is within a predetermined range.

However, in an analogous art, Mathis teaches a remote monitor unit comparing signatures received from an ATM machine, a vending machine, a computer, or special purpose computer with that stored in the remote monitor unit to determine whether to allow programming or access. The remote monitor unit also compares time for validity check stored in the remote monitor unit to determine unauthorized access. If the date and time do not compare to the stored predetermined time and date, the program is interrupted (paragraphs [0064-0065, 0067]).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Mathis's measurement unit and judging unit in Tate's system providing means to restrict programming of program memory devices to authorized personnel while preventing unauthorized programming of a device.

### ***Response to Arguments***

3. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **BARBARA N. BURGESS** whose telephone number is (571)272-3996. The examiner can normally be reached on **M-F (8:00am-4:00pm)**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Ario Etienne** can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Barbara N Burgess/  
Examiner, Art Unit 2457

Barbara N Burgess  
Examiner  
Art Unit 2457

August 8, 2009

/ARIO ETIENNE/  
Supervisory Patent Examiner, Art Unit 2457